

REMARKS

By the present Amendment, claim 1 is amended to include the features of claim 4 and to further define the “recess” of claim 1. Claim 4 is canceled, and claims 5 and 6 are amended to maintain consistency with amended claim 1.

The rejections of claims 1 and 7-16 under 35 U.S.C. § 103(a) over Dolman (US 1,358,833) in view of Beers (US 2,763,524), claims 1, 2, 5-9 and 11-16 under 35 U.S.C. § 103(a) over Yeh (US 5,690,221) in view of Beers, claims 1, 4 and 7-16 under 35 U.S.C. § 103(a) over Dolman in view of Hinsdale (US 2,499,220), and claims 1, 2, 4-9 and 11-16 under 35 U.S.C. § 103(a) over Yeh in view of Hinsdale are respectfully traversed.

Claim 1, as amended, recites a device for storing a plurality of protective cases on a holding element, wherein each protective case can be detached from the holding element in the removal position, and wherein the recess has a first stop face, which in the removal position contacts a first stop face of the tab, and the recess has a second stop face, which in the storage position contacts a second stop face of the tab. None of the cited references disclose or suggest these features of the claim.

Beers shows a protective container, which can be turned 90° from a storage position into a removal position (Figs. 1 and 2), while a data carrier disposed in the protective container is removable in the removal position from the protective container (Fig. 2). The keeping position is defined by an abutment surface of the protective container and a surface of the receiving element. The removal position is likewise established by the surface of the receiving element and a second protective container surface. In addition, the protective container can also be removed from the receiving element. To remove the protective container from the receiving element the protective container must be turned to an intermediate position arranged between the receiving position and the removal position, in order to separate the protective container from the rod (16) and bring the edge of the protective element past the front edge (51) of the receiving element. Since the user of the system cannot see precisely in which

concrete position the protective container can be removed from the receiving element, the operation of the Beers device here described calls for a great amount of patience and skill.

In contrast to Beers, each protective case of claim 1 of the present application can be detached from the holding element in the storage position and detached from the holding element in the removal position.

Furthermore, none of the other cited references disclose or suggest the above-mentioned features of amended claim 1.

Hinsdale also shows a protective container, though for several data holders, which can be turned from a storage position to an access position. However, contrary to the statement in the Office Action, neither from Figure 5 nor from the description relating thereto can it be learned that the protective container can be removed at all or both in the storage position and in the access position. In fact, Figure 5 of Hinsdale illustrates a cradle 26, which is not attached to the half-rounded material 25 of the base member 24, and thus cannot be detached. Also, in Hinsdale, the surface of the receiving element serves to limit the turning movement, with the disadvantage of a small fixed turning angle and the required structural space to accommodate the depth of the receiving element.

Dolman also shows a protective container, which can be turned from a storage position to a removal position. However, neither in the storage position nor in the removal position can the protective container of this apparatus be removed from the receiving element. The fact that the corresponding range of the protective container (11) completely surrounds the rod (14) (see Figures 1 and 2) speaks against any possibility for removal.

Yeh also shows a protective container, which can be turned from a storage position to a removal position. However, in this apparatus too, no provision is made for any removability of the protective container either in the storage or in the removal position. Also, the structural configuration of the connection

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between the protective container and the receiving element speaks against such removability.

Because none of the cited references teach or suggest the feature of amended claim 1 of wherein each protective case can be detached from the holding element in the removal position, claim 1 is submitted to be allowable over the cited prior art.

Furthermore, none of the cited references teach or suggest the feature of amended claim 1 of wherein the recess has a first stop face, which in the removal position contacts a first stop face of the tab, and the recess has a second stop face, which in the storage position contacts a second stop face of the tab. Therefore, claim 1 should also be allowable for this additional reason.

Claims 2 and 5-16 are believed to be allowable, at least because of their dependence from claim 1.

Claims 17-22 were rejected under 35 U.S.C. § 103(a) over the art as applied to claim 1, further in view of Schapker (US 4,859,007). Claims 23-25 were rejected under 35 U.S.C. § 103(a) over the art as applied to claim 1, further in view of Salvail (US 5,515,979). Claim 26 was rejected under 35 U.S.C. §103(a) over the art as applied to claim 1, further in view of Brown (US 1,341,412). Claim 27 was rejected under 35 U.S.C. § 103(a) over the art as applied to claim 1, further in view of Drobny (US 3,316,039). Claims 28 and 29 were rejected under 35 U.S.C. §103(a) over the art as applied to claim 1, further in view of Ackeret (US 4,722,034).

Claims 17-29 are submitted to be allowable, at least because of their dependence from claim 1 and because the tertiary references fail to make up for the above-described deficiencies of Dolman, Yeh, Beers and Hinsdale.

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned at (202) 624-2845 would be

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appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #100584.53196US).

Respectfully submitted,

April 24, 2006



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